

12 KAR 5:050. Inspections.

RELATES TO: KRS 260.775-260.845, 260.992

STATUTORY AUTHORITY: KRS 260.825(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 260.825(1) requires the Director of the Kentucky Agricultural Experiment Station to promulgate administrative regulations necessary for the effective enforcement of KRS 260.775 through 260.845 regarding milk. This administrative regulation establishes a basis for monitoring licensed milk handlers, laboratories, transfer stations, sampler-weighers, and testers to ensure that these licensees are in compliance with KRS 260.775 through 260.845.

Section 1. A milk handler, laboratory, and transfer station shall be inspected and evaluated for compliance with KRS 260.775 through 260.845. The director shall provide written notice to the appropriate licensee to correct any observed discrepancies. Unsatisfactory compliance shall be dealt with in accordance with KRS 260.775 through 260.845 and 260.992.

Section 2. A sampler-weigher shall be inspected and evaluated for compliance with KRS 260.775 through 260.845.

(1) A sampler-weigher's records, equipment, samples, and procedures shall be examined to determine compliance.

(2) Milk samples obtained by a sampler-weigher may be collected and analyzed by the director to assist in the evaluation of the sampler-weigher's activities.

(a) Results of these analyses may be used to make comparisons among and between these samples. These comparisons may include the use of milk-component test results and other test results pertaining to milk quality and composition.

(b) Results of these analyses may be used to determine the amount of milkfat on a load of bulk milk as represented by the individual producer's bulk-tank samples and weights and as represented by the load sample and the sum of individual producers' bulk-tank weights. The deviation of the milkfat on the bulk milk load between these two (2) comparisons may, in part, determine the evaluation of the sampler-weigher.

(c) The deviation between the weight of the load of bulk milk represented by the sum of the individual producer's bulk-tank weights and, if available, the weight of the load of bulk milk as determined by an accurate scale or meter may, in part, determine the evaluation of the sampler-weigher. The scale or meter used in this determination shall be well maintained and approved by an accredited scale maintenance firm or appropriate government agency.

(3)(a) If there is a deviation between milkfat as represented by the load sample and the sum of the individual producers' bulk tank milkfat weights used in the evaluation of an inspection of a sampler-weigher, a grade shall be assigned. Grades shall be based on the difference between sum of milkfat weights from all bulk tanks on the load and pounds of milkfat calculated from the load sample. The grading scale shall be:

1. A: excellent (0.50% or less);
2. B: good (0.51 to 1.00%);
3. C: poor (1.01 to 2.00%); and
4. D: unsatisfactory (above 2.00%).

(b) Noncompliance with KRS 260.775 through 260.845 and 12 KAR Chapter 5 shall result in a D grade inspection.

(4) A sampler-weigher who receives three (3) "D" grade inspections within a twelve (12) month period shall be required to attend the next scheduled one (1) day sampler-weigher training school and take a written examination administered by the director. This shall not prevent

the director from taking other actions under KRS 260.775 through 260.845 and 260.992 for a sampler-weigher who receives a D grade inspection or who otherwise is not in compliance with KRS 260.775 through 260.845 and 260.992.

Section 3. A tester shall be inspected and evaluated for compliance with KRS 260.775 through 260.845.

(1) A tester's records, equipment, and procedures shall be examined, in part, to determine compliance.

(2) The results of a tester's analyses may be compared to results of the director's analyses. The deviation between these results shall, in part, determine compliance. The director shall provide written notice to the tester and to the licensed laboratory employing the tester to correct any discrepancies. Unsatisfactory compliance shall be dealt with in accordance with KRS 260.775 through 260.845 and 260.992. (AES-CL-18; 1 Ky.R. 1235; eff. 7-2-1975; Am. 15 Ky.R. 1123; eff. 11-23-1988; 27 Ky.R. 1857; 2420; eff. 3-19-2001; 47 Ky.R. 747, 1355; eff. 2-9-2021.)